

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2002-016584

12/18/2002

pretrial conference and mediation session, he timely filed a request to appear telephonically. The trial judge denied that motion without explanation on June 18, 2002. Thereafter, Appellant filed a Motion for Reconsideration which was denied. However, when Appellant failed to appear for the mediation/comprehensive pretrial conference on June 26, 2002, the following day the trial judge dismissed the case without prejudice.

Clearly, the trial court erred in denying Appellant's request to appear telephonically since he was incarcerated in the custody of the Arizona Dept. of Corrections. Appellant's request was reasonable and timely, and the record does not support any reason for denying Appellant's request. Further, to deny Appellant the opportunity to participate in a court proceeding telephonically and to dismiss his case, is a clear denial of Appellant's right of access to the court.

IT IS THEREFORE ORDERED reversing the trial court's order of June 27, 2002, dismissing the case without prejudice.

IT IS FURTHER ORDERED remanding this matter back to the Northwest Phoenix Justice Court, with instructions to reschedule the case for a comprehensive pretrial conference and mediation and to permit Appellant to participate telephonically in those proceedings and all others.